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V.

ORDER

I. *In Forma Pauperis* Application

II. Screening the Complaint

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1 them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim
2 which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting
3 *Iqbal*, 556 U.S. at 678).

4 To determine whether the complaint is sufficient to state a claim, all allegations of material
5 fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar Summit P’ship*
6 *v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998). Although the standard under Rule
7 12(b)(6) does not require detailed factual allegations, a plaintiff must provide more than mere labels
8 and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). A formulaic recitation
9 of the elements of a cause of action is insufficient. *Id.* Finally, unless it is clear that the complaint’s
10 deficiencies cannot be cured through amendment, a pro se plaintiff should be given leave to amend
11 the complaint with notice regarding its deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th
12 Cir. 1995).

13 **III. Plaintiff’s claims**

14 Plaintiff’s complaint, as best the Court can understand it, is a one paragraph description of
15 events that allegedly took place on September 10, 2015, near a Circle K gas station. Plaintiff seems
16 to allege a conspiracy against her led by the named Defendant, Samantha Eisenberg, an officer of the
17 Las Vegas Metropolitan Police Department (LVMPD). Plaintiff alleges that Eisenberg attempted to
18 have her killed by some unnamed “mutual acquaintances” in retaliation for Plaintiff’s causing
19 Eisenberg to lose her “Las Vegas metro credentials.” Plaintiff’s complaint is accompanied by
20 several lengthy letters (ECF Nos. 1-3, 1-4, and 1-5), which the Court will construe as part of the
21 complaint. These letters also allege a conspiracy, but no particular facts to support this conclusion.
22 The Court is left without any indication of what Plaintiff alleges to have occurred, beyond the words
23 “conspiracy” and “attempted murder.”

24 As noted above, a cognizable claim must provide more than mere labels and conclusions.
25 *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Although claims made by pro se
26 plaintiffs are to be construed liberally, they are still bound by the federal rules of procedure. *Ghazali*
27 *v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Here, even under the most generous reading, Plaintiff’s
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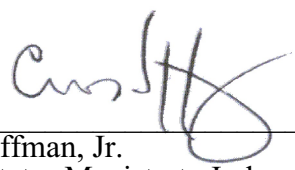
1 claims do not satisfy the requirement of Federal Rule of Civil Procedure 8(a)(2), which requires that
2 a complaint must contain “a short and plain statement of the claim showing that the pleader is
3 entitled to relief.” Plaintiff has failed to state a claim on which relief may be granted, and the Court
4 will dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff will have leave to amend the
5 complaint to correct the noted deficiencies.

6 IT IS THEREFORE ORDERED that Plaintiff’s application for leave to proceed *in forma*
7 *pauperis* (ECF No. 9) is granted. Plaintiff is permitted to maintain this action to conclusion without
8 the necessity of prepayment of any additional fees or costs or the giving of a security for fees or
9 costs. This order does not extend to the issuance of subpoenas at government expense.

10 IT IS FURTHER ORDERED that the Clerk of the Court must file Plaintiff’s complaint (ECF
11 No. 1-1).

12 IT IS FURTHER ORDERED that the complaint is dismissed without prejudice for failure to
13 state a claim upon which relief can be granted. Plaintiff may choose to file an amended complaint
14 correcting the noted deficiencies within 30 days of the date of this order. Failure to file an amended
15 complaint may result in dismissal of this action.

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17 DATED: April 19, 2017.

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19 
20 C.W. Hoffman, Jr.
United States Magistrate Judge